

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 4, 1998

DIVISION ONE

B116807 People (Not for Publication)

V.

Yeager, Ronald G.

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.

Masterson, J.

B114859 People (Not for Publication)

V.

Diaz, Timothy M.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.

Dunn, J. (Assigned)

B111677 People (Not for Publication)

v.

De Rossi, Alexander

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.

Ortega, J.

June 4, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The order under review is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B114417 People (Not for Publication)
v.
F., Andres

The June 6, 1997 order continuing wardship is modified to reflect a maximum period of physical confinement of three years and two months. As modified, the order is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

B117082 People (Not for Publication)
v.
M., Ricardo

The matter is remanded for a determination of whether the assault appellant was found to have committed was a misdemeanor or a felony and for a recalculation consistent with this opinion of appellant's maximum period of physical confinement. In all other respects, the order of wardship is affirmed.

Masterson, J.

I concur: Spencer, P.J.
I concur: Ortega, J. (opinion)

DIVISION ONE (Continued)

B097188 Daley
v.
Azafrani

Filed order denying petition for rehearing.

DIVISION THREE

B100335 Mighty Oak Trust, et al. (Certified for Publication)
v.
Earl Harrison Nickel, et al.

The order appealed from is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
Goodman, J. (Assigned)

DIVISION FIVE

B103576	Fulton Associates et al. v. SMC Real Corp. et al.	(Not for Publication)
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The judgment is affirmed. Defendants, SMC Real Corp., 15526 Chase Street Company, a general partnership, Luz Carpina, SMC-15226 Chase, Ltd., a limited partnership, shall recover their costs incurred on appeal jointly and severally from plaintiffs, Fulton Associates, 7125 Fulton, Ltd., 8920 Orion, Ltd., 8025 Reseda Ltd., 8039 Reseda, Ltd., 8123 Sepulveda, Ltd., 9027 Tobias II, 15526 Chase Ltd., and Chase II, Ltd.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B111549 People
 v.
 Tony Lara

Filed order denying petition for rehearing.

DIVISION SIX

B119785 Ventura County P.S.S.A
 v.
 Patsy M.
 In re Sherniec M., a minor

Filed order dismissing appeal as abandoned. (In re Sade C.)

B105546 Kaplan (Not for Publication)
 v.
 Cattano et al.

DMG and Kaplan were never partners. Forthe reasons stated by the trial court in its statement of decision, DMG did not breach any fiduciary duties towards Kaplan. The judgment is affirmed. Costs are awarded to respondents.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.

June 4, 1998-Continued

DIVISION SIX (Continued)

B111714 Nava et al. (Not for Publication)

V.
MVS Hotel Properties, Inc.

The judgment notwithstanding the verdict is affirmed. Costs are awarded to respondent.

Gilbert, J.

We concur: Stone, P.J.
Coffee, J.

B116240 People (Not for Publication)

V.
Walker

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Coffee, J.

B112330 City of Oxnard (Not for Publication)

v.
City of San Buenaventura and
Macerich Buenavenutra Limited Partnership

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B108911 Windom (Not for Publication)

v.
Amos

The instant orders and the judgment are affirmed. Costs are awarded to respondent.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

B113733 People (Not for Publication)

v.
Miller

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
Yegan, J.

B112977 Golden Eagle Insurance Co. (Not for Publication)

v.
Mutual Service Casualty Insurance Co.

The summary judgment is affirmed. Costs are awarded to respondent.

Stone, P.J.

We concur: Gilbert, J.
Yegan, J.

June 4, 1998-Continued

DIVISION SIX (Continued)

B112587 25 E. De La Guerra Partners (Not for Publication)
v.
Breitweiser

The judgment is reversed with instructions that the parties shall be entitled to a new trial as to both the complaint and cross-complaint on issues of liability and damages. Costs are awarded to appellant.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

B108308 Marsoobian
v.
Jon Douglas Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION SEVEN

B097631 Talamaivao
v.
County of Los Angeles

Filed order denying petition for rehearing.

B114123 People
v.
Deon W., a minor

Filed order modifying opinion. (No change in the judgment.)